

1 SIGAL CHATTAH, ESQ.  
2 Nevada Bar No.: 8264  
3 CHATTAH LAW GROUP  
4 5875 S. Rainbow Blvd. #205  
5 Las Vegas, Nevada 89118  
6 Tel: (702) 360-6200  
7 Fax: (702) 643-6292  
8 [Chattahlaw@gmail.com](mailto:Chattahlaw@gmail.com)  
9 *Attorney for Plaintiffs*

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

KASHYAP P. PATEL, individually and on  
behalf of the KASH FOUNDATION, INC., the  
KASH FOUNDATION, INC. an Idaho  
Corporation.

**Case No.:**

Plaintiffs,

v.

JIM STEWARTSON, an individual,

**DEMAND FOR A JURY TRIAL**

Defendant.

**COMPLAINT**

COME NOW, Plaintiffs, KASHYAP P. PATEL, individually and on behalf of the KASH FOUNDATION, INC. and KASH FOUNDATION INC., by and through undersigned counsel, SIGAL CHATTAH, ESQ., of CHATTAH LAW GROUP, and hereby allege and complain against Defendant as follows:

## **INTRODUCTION**

1           1.     Defendant Jim Stewartson, who has ironically titled himself an “anti-  
2 disinformation activist,” habitually defames Kashyap Patel and the nonprofit organization Mr.  
3 Patel founded, the Kash Foundation, Inc. (“Kash Foundation” or the “Foundation”).  
4

5           2.     Starting his career as a media and technology professional, Stewartson sought  
6 fame through the modern trend of defaming prominent conservative figures. One of Stewartson’s  
7 common targets has become Mr. Patel.  
8

9           3.     Stewartson used his defamatory rhetoric to gain thousands of followers across  
10 several social media platforms and start his own podcast, where he regularly defames prominent  
11 conservative activists to his thousands of listeners.  
12

13           4.     Stewartson also created a chat group, The Thinkin Project, where he allegedly  
14 combats what he calls “disinformation.”  
15

16           5.     Stewartson defames conservatives in an effort to make a comfortable living for  
17 himself.  
18

19           6.     In a malicious attempt to smear Mr. Patel and his Foundation—based on personal  
20 and political animus—and raise his own public profile as well as make money for himself,  
21 Stewartson spreads pernicious lies about Mr. Patel, including accusing him of committing  
22 sedition, helping to plan illegal riots on January 6, working to overthrow the government, paying  
23 people to lie to Congress, and being an agent of Russia.  
24

25           7.     Stewartson’s lies are self-serving and self-promoting, as he has a financial interest  
in gaining publicity for his podcast and Substack, for which he sells paid subscriptions.  
Accordingly, Mr. Patel and the Kash Foundation seek to hold Stewartson accountable for his  
malicious and knowing falsehoods.  
26

## PARTIES

8. Plaintiff Kashyap (“Kash”) P. Patel is an individual who is a resident and citizen of the State of Nevada, and resides in Clark County.

9. Plaintiff the Kash Foundation, Inc. is a nonprofit corporation incorporated in Idaho and with its principal place of business in Nevada.

10. Defendant Jim Stewartson is an individual who is a resident and citizen of the State of California.

## **JURISDICTION AND VENUE**

11. This Court has subject matter jurisdiction over this cause of action pursuant to 28 U.S.C. § 1332 as there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.

12. Defendant is subject to personal jurisdiction in Nevada, pursuant to Nevada's long-arm statute, Nev. Rev. Stat. § 14.065, and because the defamatory statements were directed at a Nevada resident, and the effects of the statements were meant to be felt in Nevada.

13. Venue for this action is proper pursuant to 28 U.S.C. § 1391 because Defendant's speech was directed at Plaintiffs in Nevada, causing Plaintiffs damage in this District.

## FACTUAL BACKGROUND

## ***Background of Mr. Patel***

14. Mr. Patel served as the Chief of Staff to Acting Secretary of Defense Christopher Miller at the Department of Defense (DOD), where his responsibilities included implementing the Secretary's mission using our 3 million plus employees, operating a \$740 billion budget, and \$2 trillion in assets.

15. Prior to his experience at the Pentagon, Mr. Patel served as Deputy Assistant to the President and Senior Director for Counterterrorism on the National Security Council (NSC).

1 In that capacity, Mr. Patel oversaw the execution of several of President Trump’s top priorities,  
2 including eliminating Al-Qa’ida and ISIS senior leadership, and safely repatriating dozens of  
3 American hostages. As a top counterterrorism official at the White House, he was responsible for  
4 creating and implementing our nation’s policy to safeguard the homeland by overseeing the  
5 interagency implementation of the national counterterrorism strategy.

6 16. Mr. Patel was also selected to serve as Principal Deputy to the Acting Director of  
7 National Intelligence. At ODNI, he oversaw all 17 Intelligence Community (“IC”) agencies, and  
8 prioritized intelligence collection to focus on hard targets and global threats. This allowed him  
9 to lead the Director’s duty to synthesize our intelligence holdings and create the President’s  
10 Daily Briefing, which he would then brief to the President and cabinet officials. As one of the  
11 highest-ranking officials at DOD, ODNI, and the White House, Mr. Patel gained unique  
12 expertise straddling the nexus of government and private sector operations/policy for the defense  
13 of our nation to include defense, cyber, and intel.

15 17. Before joining the NSC, Mr. Patel served as the National Security Advisor and  
16 Senior Counsel for the House Permanent Select Committee on Intelligence (“HPSCI”), where he  
17 spearheaded the investigation into the Russian active measures campaign to influence the 2016  
18 presidential election. Concurrently, he led congressional oversight of sensitive programs for the  
19 IC and U.S. Special Operations Forces and worked to enact legislation to fully fund the multi-  
20 billion-dollar budgets supporting intelligence and counterterrorism operations worldwide.

22 18. Mr. Patel joined HPSCI following his tenure as a national security prosecutor at  
23 the Department of Justice (DOJ) under the Obama administration, where he led investigations  
24 spanning multiple theaters of conflict and oversaw the successful prosecution of criminals  
25 aligned with Al-Qa’ida, ISIS, and other terror groups. This work necessitated Mr. Patel’s

presence in locations across the globe, collaborating with host nation governments to successfully prosecute terrorists. He also served as the DOJ Liaison Officer to Joint Special Operations Command (“JSOC”), working with our nation’s most prestigious counterterrorism units (special forces) to conduct collaborative global targeting operations against high value objectives, in almost every theater of war.

19. Mr. Patel began his career in 2005 as a public defender, trying scores of complex cases in federal and state courts, ranging from murder to narco-trafficking, to complex financial crimes. This required extensive briefings and court appearances. These cases, as a public defender, took place throughout the U.S., in over half a dozen countries, and required Mr. Patel to diplomatically engage with several foreign governments.

20. Since leaving the federal government, Mr. Patel founded Fight With Kash, a legal defense trust designed to give those who have been defamed by the media a voice by paying for their legal representation.

21. Mr. Patel also founded the Kash Foundation and is its President and public face. The Kash Foundation's mission is to support educational and legal efforts needed to facilitate government transparency with the goal of creating a healthier relationship between the US federal government and American citizens. The Foundation also raises money for education programs, tuition assistance, and financial assistance for our active-duty military and veterans. The Kash Foundation provides financial assistance to those in need of legal counsel for legal disputes that are central to the Foundation's mission.

### *Defendant's History*

22. Defendant has had a long career working in media and technology. Most of his work involved graphic design, leading to several national and international awards.

1       23.    With no awards for over a decade, however, Defendant chose to take a new path  
 2 to regain public relevance.

3       24.    Thus, Defendant began defaming prominent conservative public figures,  
 4 including Mr. Patel.

5       25.    In August 2020, Defendant created a chat group called “The Thinkin Project.”

6       26.    According to LinkedIn, The Thinkin Project was a group “devoted to combatting  
 7 disinformation and helping victims of undue influence.”<sup>1</sup> It made big promises about how it  
 8 would help people.<sup>2</sup> When VICE asked Desiree Kane, the group’s spokesperson and co-founder,  
 9 however, to produce someone that The Thinkin’ Project has helped or to provide any information  
 10 on how many people have been helped since the project launched, she was unable to produce  
 11 anything.<sup>3</sup>

13       27.    According to VICE, The Thinkin Project’s discord server focused “on the  
 14 collection of disinformation, sharing of articles about QAnon and building resources to share  
 15 with those who contact the group. There is no effort to intervene personally with anyone, or even  
 16 speak to QAnon believers directly. Instead, those who get in touch are directed to a range of  
 17 online resources with best practices about how to speak to someone who believes in QAnon.”<sup>4</sup>

22  
 23       <sup>1</sup> The Thinkin Project, LINKEDIN, 2023, <https://www.linkedin.com/company/the-thinkin-project/about/> (last visited May 2, 2023).

24       <sup>2</sup> David Gilbert, *The Organization Trying to Save QAnon Believers Is Falling Apart*,  
 25 VICE (March 17, 2021, 6:07am), <https://www.vice.com/en/article/v7mwya/the-organization-trying-to-save-qanon-believers-is-falling-apart>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

1       28. Shortly after the 2020 Presidential Election, Defendant started a podcast called  
 2 “Radicalized: Truth Survives Podcast,” with its first episode airing on November 15, 2021.<sup>5</sup>  
 3

4       29. Defendant’s podcast remains active. Defendant offers paid subscriptions for his  
 5 podcast, ranging from \$5 per month to \$20 per month.  
 6

7       30. Defendant also posts defamatory statements on the social networks Mastodon and  
 8 Substack, where he has paid subscribers.  
 9

10      ***Defendant’s Repeated Lies about Plaintiffs***  
 11

12      31. Since falling out of the public spotlight, Defendant sought publicity and financial  
 13 gain by any means necessary, including by maliciously defaming Mr. Patel with incredible  
 14 allegations that Mr. Patel has worked to overthrow the government and is a Russian agent.  
 15 Among his many lies, Defendant has stated that:  
 16

- 17       a. Mr. Patel “attempted to overthrow the government”;
- 18       b. Mr. Patel “planned 1/6”;
- 19       c. Mr. Patel is “guilty of sedition”;
- 20       d. Mr. Patel is a “Kremlin asset”; and
- 21       e. Mr. Patel and his Foundation paid people to “lie to congress.”

22      32. The following is a non-comprehensive history of Defendant’s defamatory  
 23 statements about Mr. Patel and the Kash Foundation, in chronological order.  
 24

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25      <sup>5</sup> Radicalized: Truth Survives Podcast, *Episode 1: Mind War, Crypto with Dave Troy, and Finding Shared Truth*, YOUTUBE (Nov. 15, 2021), <https://www.youtube.com/watch?v=o-bg2rgoSWA>.

33. On June 7, 2021, Defendant Tweeted that Mr. Patel “attempted to overthrow the government”:

Jim Stewartson, #ArrestMikeFlynn    
@jimstewartson

...

lol

Sorry, but why are we still pretending that Chris Miller was anything but a patsy for [@EzraACohen](#) and Kash Patel while they attempted to overthrow the government on behalf of Mike Flynn?

 **Bill Kristol**  · Jun 7, 2021

This, from Acting Sec Def Miller, is pretty striking:  
"On the afternoon of January 5, I received a call from the President in connection with a rally by his supporters that day...He commented that 'they' were going to need 10,000 troops the following day."  
[thebulwark.com/what-were-they...](http://thebulwark.com/what-were-they...)

11:37 AM · Jun 7, 2021

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9 Retweets 29 Likes 1 Bookmark

34. On August 15, 2021, Defendant Tweeted that Mr. Patel “planned the takedown of defenses at the Capitol on 1/6”:

 **Jim Stewartson, #ArrestMikeFlynn**    
@jimstewartson

...

Ezra knows all about planning. For example, he planned the takedown of defenses at the Capitol on 1/6 along with his co-conspirators Kash Patel and Chris Miller.

 **Ezra A. Cohen**  @EzraACohen · Aug 14, 2021

The clear lack of meaningful planning and preparation to effectuate a proper withdrawal in Afghanistan should force us to reexamine the structure, size, authority, and role of the @thejointstaff. Is this the proper configuration to prepare for conflict with CCP?

[Show this thread](#)

8:26 PM · Aug 15, 2021

5 Retweets 22 Likes

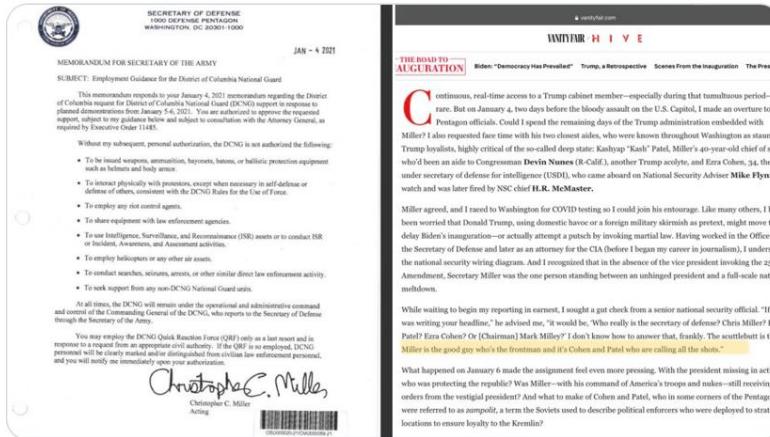
    

1       35. A week later, August 21, 2021, Defendant Tweeted that Mr. Patel was “guilty of  
 2 sedition”:



3  
 4       In Ciralsky's article about 1/6, he points out that the perception was that  
 5       Miller was "the nice guy" and @EzraACohen and Kash Patel were "calling  
 6       the shots."

7       Which makes Cohen and Patel guilty of sedition.  
 8       This memo preventing the defense of the Capitol remains a smoking gun.



15       1:35 PM · Aug 21, 2021

16       8 Retweets 1 Quote 17 Likes

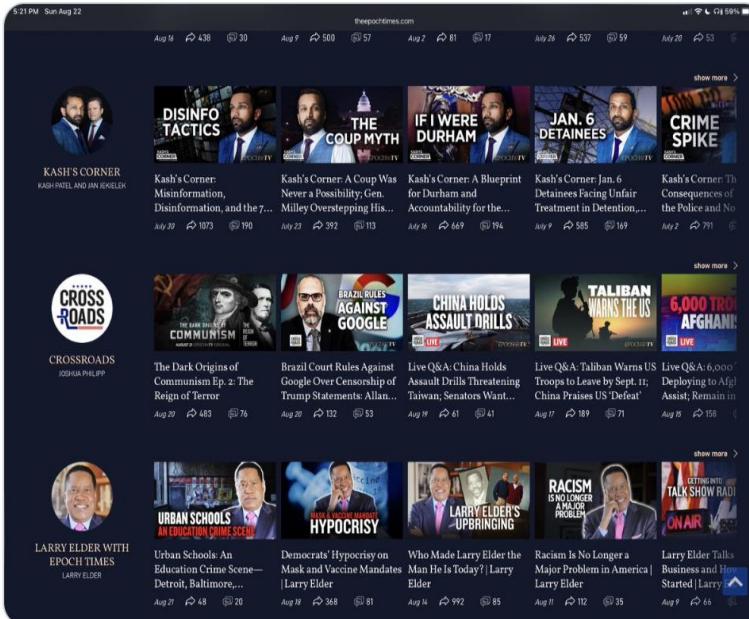


1       36. The next day, August 22, 2021, Defendant Tweeted that Mr. Patel was a “GRU  
 2 asset” and that he “planned 1/6”:

3

4  **Jim Stewartson, #ArrestMikeFlynn**   
 5 @jimstewartson

6 Hey @realMeetKevin your batshit crazy opponent, Larry Elder, who works  
 7 exclusively for white supremacists has an entire show on Epoch TV. You  
 8 should go on his show and debate him.  
 9  
 10 Or GRU asset Kash Patel who worked for @DevinNunes and planned 1/6.  
 11 His show could be good.

12 

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16

17

18 8:24 PM · Aug 22, 2021

19 6 Retweets 25 Likes 1 Bookmark



1       37.    Defendant was eventually suspended from Twitter for a full year due to violations  
 2 of its Terms of Service. During that time, Defendant continued to defame Mr. Patel on other  
 3 social media platforms, including Substack, and on his podcast.

4       38.    On June 5, 2022, in a Substack article titled, “The Insurrection Was Plan B: The  
 5 Coup at the Pentagon,” Defendant spins a convoluted conspiracy theory about January 6, 2021,  
 6 being a premeditated plot to overthrow the United States government. In the article, Defendant  
 7 states that “[Kash] Patel is a propagandist and an agent of an enemy foreign power.”<sup>6</sup>

8       39.    On October 29, 2022, in another Substack post, Defendant called Mr. Patel a  
 9 “Kremlin asset[]”.<sup>7</sup>

21       

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 22       <sup>6</sup> Jim Stewartson, MindWar: The Psychological War on Democracy: *The Insurrection Was*  
 23 *Plan B, The Coup at the Pentagon*, Substack (June 5, 2022),  
[https://jimstewartson.substack.com/p/the-insurrection-was-plan-b-part-ace?utm\\_source=%2Fsearch%2FKash&utm\\_medium=reader2](https://jimstewartson.substack.com/p/the-insurrection-was-plan-b-part-ace?utm_source=%2Fsearch%2FKash&utm_medium=reader2).

24       <sup>7</sup> Jim Stewartson, MindWar: The Psychological War on Democracy: We Are On the  
 25 Precipice—Here’s What We Need to Do, and Can’t, Substack (Oct. 29, 2022),  
[https://jimstewartson.substack.com/p/we-are-on-the-precipice-heres-what?utm\\_source=%2Fsearch%2FKash&utm\\_medium=reader2](https://jimstewartson.substack.com/p/we-are-on-the-precipice-heres-what?utm_source=%2Fsearch%2FKash&utm_medium=reader2).

40. Upon his return to Twitter, Defendant resumed his defamatory tweets, posting on January 13, 2023, calling Mr. Patel a “chud” and claiming that he “helped ensure the Capitol was undefended” on January 6, 2021, and that he tried to cover up General Flynn’s “treason”:

 Jim Stewartson, #ArrestMikeFlynn    
@jimstewartson

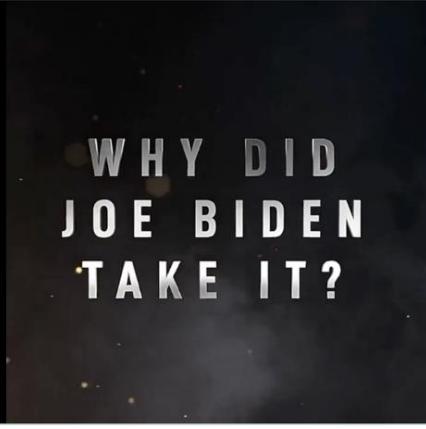
This chud was Chief of Staff at the Pentagon on 1/6 and helped ensure the Capitol was undefended.

He was also on [@DevinNunes](#) staff in 2017 when Kash received stolen classified documents from [@EzraACohen](#) to try and cover for [@GenFlynn](#)'s treason.

 **Kash's Corner**   @KashsCorner · Jan 13

"It's the most compartmented, classified, highly secret info in the US gov't. Why did Joe Biden take it?...Do they relate to his son Hunter Biden? Do they relate to his dealings with Burisma & the CCP?" #KashPatel asks @JanJekielek

 PREMIERE 8pm ET: [ept.ms/S0113CongressP...](http://ept.ms/S0113CongressP...)



WHY DID  
JOE BIDEN  
TAKE IT?

0:38

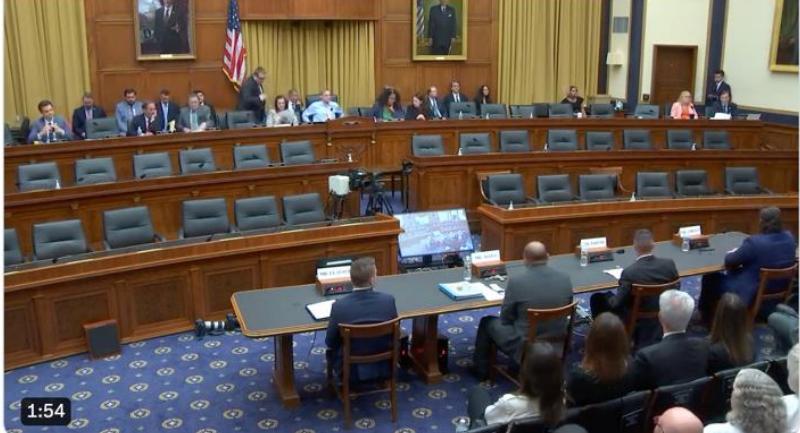
7:13 PM · Jan 13, 2023 · 19.6K Views

139 Retweets 5 Quotes 292 Likes 15 Bookmarks

1 41. On January 20, 2023, Defendant called Mr. Patel a “Kremlin asset[]”:

2  **Jim Stewartson, #ArrestMikeFlynn**  ...  
3  
4 OMFG. Kremlin assets Kash Patel and Mike Flynn just nominated  
5 themselves for Attorney General and Secretary of Defense.  
6 h/t  [@gal\\_suburban](#)  
7 [@SecDef #ArrestMikeFlynn](#)  
8  
9  
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11   
12 4:20 PM · Jan 20, 2023 · 70.3K Views  
13 144 Retweets 19 Quotes 305 Likes 4 Bookmarks  
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1 42. On May 18, 2023, at 12:28 p.m., in the context of commenting on testimony by  
2 FBI whistleblowers that morning, Defendant repeated his go-to smear that Mr. Patel is a  
3 “Kremlin asset”:

4  Jim Stewartson, #ArrestMikeFlynn   
5 @jimstewartson ...  
6 Amazing. Kash Patel has been a Kremlin asset working for Mike Flynn  
and Devin Nunes since 2016.  
7 One of the witnesses is represented by the same lawyer suing me for  
@GenFlynn. How is this real life?  
8  Aaron Rupar @atrupar · May 18  
9 Goldman elicits from two of the Republican witnesses that they have been  
10 paid by Kash Patel  
[Show this thread](#)  
11   
12 12:28 PM · May 18, 2023 · 125.3K Views  
13  
14 527 Retweets 23 Quotes 1,203 Likes 15 Bookmarks  
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1       43. Two hours later, on May 18, 2023, also in the context of commenting on the  
2 testimony of FBI whistleblowers that morning, Defendant again called Mr. Patel a “Kremlin  
3 asset”:



5 **Jim Stewartson, #ArrestMikeFlynn** ...  
@jimstewartson

6 Yes but Kash Patel is also a Kremlin asset who works for [@DevinNunes](#)  
and the worst traitor in American history [@GenFlynn](#).

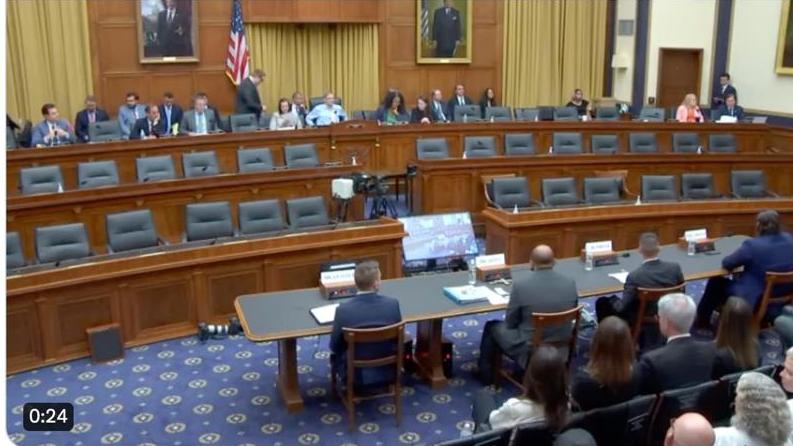


7 **Rep. Dan Goldman** @RepDanGoldman · May 18

8 Kash Patel is a political hack for Donald Trump, under investigation by the DOJ  
for leaking classified information.

9 Today's [@Weaponization](#)'s witnesses were bought and paid for by Patel.

10 This committee is simply an arm of Trump's criminal defense team.



11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 2:30 PM · May 18, 2023 · **13.4K** Views

171 Retweets 7 Quotes 419 Likes 2 Bookmarks



44. Later that afternoon, May 18, 2023, Defendant stated that Mr. Patel, and by implication the Kash Foundation, “paid 2 people to lie to Congress”:

 **Jim Stewartson, #ArrestMikeFlynn**   
@jimstewartson

...

Kash Patel paid two people to lie to Congress, so let's revisit this interview with former Acting **@SecDef** Chris Miller and Patel — who was his Chief of Staff on J6.

Miller says he Patel are akin to “taking back Europe from the Nazis” and **@seanhannity** is like Edward R. Murrow.



4:06 PM · May 18, 2023 · **16K** Views

**145** Retweets   **11** Quotes   **298** Likes   **12** Bookmarks

45. The Kash Foundation offers financial support to certain individuals for their legal bills. Defendant implied that the Kash Foundation was involved in a payment to individuals for the purpose of lying to Congress as the Kash Foundation's mission is to support those in need of legal counsel for issues central to its mission.

46. At the time of this Complaint, Defendant's Twitter following is roughly 70,800 people, including persons located in the state of Nevada. In addition, Defendant's defamatory Tweets and other statements were viewed by third parties located in the state of Nevada and were made with the intention of harming a Nevada resident.

1        ***Defendant's Tweets Show Malicious Hatred and Disparagement of Plaintiffs***

2        47.    Defendant does not attempt to conceal his malice toward Mr. Patel or his  
 3 nonprofit, the Kash Foundation. Rather, he openly attacks Mr. Patel for working alongside  
 4 President Trump, former Congressman Devin Nunes, and General Flynn, and seeks to have Mr.  
 5 Patel prosecuted for imagined and invented crimes.

6        48.    Defendant is attempting to gain publicity, fame, and monetary earnings at the  
 7 expense of a distinguished public servant.

8        49.    As shown by Defendant's own Tweets, he is using his malicious smear campaign  
 9 against Mr. Patel as a means of increasing his own public profile, driving business to his podcast,  
 10 his Substack<sup>8</sup>—where he offers paid subscriptions—and social networking sites, integrating  
 11 himself with other leftwing activists, and explicitly trying to destroy Mr. Patel's reputation.

13        50.    Indeed, on his Substack, Defendant repeatedly makes solicitations for readers to  
 14 upgrade to paid subscription status and for donations.

15        51.    In one of Defendant's Substack posts, requiring a paid subscription, Defendant  
 16 repeated his lie that Mr. Patel "paid two people to lie to Congress."<sup>9</sup> Defendant's animus against  
 17 Mr. Patel has crossed over to Mr. Patel's nonprofit foundation, the Kash Foundation, which does  
 18 assist individuals with their legal bills. The Kash Foundation, however, has not paid anyone to lie  
 19 to Congress.

21        52.    Defendant's statements display animus and resentment toward Mr. Patel for his  
 22 political beliefs, and animus towards the Kash Foundation because of its relationship with Mr.  
 23 Patel, its public face.

24        <sup>8</sup> Substack is a "subscription network" for writers and provides the ability to charge  
 25 subscription fees for content. See <https://substack.com>.

26        <sup>9</sup> Jim Stewartson, *MindWar: The Psychological War on Democracy: JF Zoom, SUBSTACK*  
 (May 18, 2023), <https://jimstewartson.substack.com/p/jfzoom-5pm-pst-8pm-est>.

1       53. In addition to the statements specifically referenced above, many of which also  
 2 show Defendant's malice for Mr. Patel and the Kash Foundation, the following Tweets further  
 3 demonstrate Defendant's malice.

4       54. On April 9, 2023, Defendant called Mr. Patel a "traitor" and "criminal" that  
 5 "should not be walking free."

6       55. On May 18, 2023, Defendant called Mr. Patel a "blatantly incompetent  
 7 chud[] and that Mr. Patel should be in custody:



9       Jim Stewartson, #ArrestMikeFlynn @jimstewartson

...  
 10      I really don't get it.

11      These blatantly incompetent chuds were running the actual  
 12      @DeptOfDefense on J6. They lie about it over and over on TV, to the DOD  
 13      IG and Congress, but Kash Patel is still free to run ops for @DevinNunes  
 14      and @GenFlynn — like paying for false testimony.



15      Jim Stewartson, #ArrestMikeFlynn @jimstewartson · May 18

16      To close this interview, once again, please take a moment or several and  
 17      consider the fact that Kash Patel and Chris Miller were the top two civilian  
 18      officials of the United States military.

19      What did they learn and pass on?

20      All these people should be in custody.

21      [Show this thread](#)



22      4:50 PM · May 18, 2023 · 7,572 Views

56. Indeed, Defendant regularly uses the derogatory term “chud”<sup>10</sup> to describe Mr. Patel and calls for his arrest.

57. This all exemplifies Defendant's malice toward Mr. Patel and the Kash Foundation.

**FIRST CAUSE OF ACTION**  
**(Defamation and Defamation *Per Se*)**

58. Plaintiffs incorporate by reference the above paragraphs as though set forth fully herein.

59. Defendant has engaged in a smear campaign against Mr. Patel, repeatedly asserting what he knows to be false, including the following allegations that:

- a. Mr. Patel “attempted to overthrow the government”;
- b. Mr. Patel “planned 1/6”;
- c. Mr. Patel is “guilty of sedition”;
- d. Mr. Patel is a “Kremlin asset”; and
- e. Mr. Patel paid people to “lie to congress.”

60. All of these assertions and accusations by Defendant, including those referenced throughout this Complaint and incorporated herein, are categorically false.

61. Defendant's Twitter following is over 70,000 people, including residents of Nevada, to whom Defendant published his defamatory Tweets.

62. Defendant funnels his Twitter followers to his Substack and podcast, where he solicits paid subscriptions and makes money off of his lies about Mr. Patel, the Kash Foundation, and other conservative public figures and entities.

<sup>10</sup> “Chud” is a pejorative, used mostly to describe “a person on the political right” who “holds socio-political views seen as regressive or bigoted” and also implies physical unattractiveness. See Wiktionary, <https://en.wiktionary.org/wiki/chud>.

1       63.    Defendant's defamatory statements were directed at Mr. Patel, a Nevada resident,  
2 and founder of the Kash Foundation.

3       64.    Defendant published the defamatory statements knowing that they were false or  
4 with reckless disregard for the truth.

5       65.    The defamatory statements constitute defamation *per se* because they tended to  
6 injure Mr. Patel and the Kash Foundation in their trades, businesses, or professions, and directly  
7 accused Mr. Patel and the Kash Foundation of committing serious crimes, including sedition and  
8 suborning perjury.

9       66.    The defamatory statements have directly and proximately caused Mr. Patel to  
10 suffer significant damages in Nevada, where Mr. Patel lives and does business, including damage  
11 to his reputation, humiliation, embarrassment, and mental anguish, all of which are ongoing in  
12 nature and will be suffered in the future. These damages were foreseeable to Defendant.

13       67.    The defamatory statements have directly and proximately caused the Kash  
14 Foundation significant damages in Nevada, where the Foundation has its principal place of  
15 business, including damage to its reputation and business prospects, all of which are ongoing in  
16 nature and will be suffered in the future. These damages were foreseeable to Defendant.

17       68.    Defendant published the defamatory statements knowingly, intentionally,  
18 willfully, wantonly, and maliciously, with intent to harm Mr. Patel and the Kash Foundation, or  
19 in blatant disregard for the substantial likelihood of causing them harm, particularly in their  
20 home state of Nevada, thereby entitling Mr. Patel and the Kash Foundation to an award of  
21 punitive damages.

22       69.    As a direct and proximate result of the misconduct of Defendant, Mr. Patel and  
23 the Kash Foundation are entitled to compensatory, special, and punitive damages, in an amount

1 to be proven at trial, as well as disgorgement of any and all income Defendant has made off of  
2 his lies about them.

3 **SECOND CAUSE OF ACTION**  
4 (Injurious Falsehood)

5 70. Plaintiffs incorporate by reference the above paragraphs as though set forth fully  
6 herein.

7 71. Mr. Patel and the Kash Foundation are currently engaged in charitable work  
8 promoting legal and educational efforts on behalf of the American people and veterans.

9 72. Defendant's false statements, including accusing Mr. Patel and the Kash  
10 Foundation of serious crimes, such as paying witnesses to lie and calling Mr. Patel a Kremlin  
11 asset, directly concern Mr. Patel's and the Foundation's business.

12 73. Defendant intended for his false statements to destroy Mr. Patel's and the Kash  
13 Foundation's reputations, to ruin their ability to perform their charitable work, and to harm them  
14 financially. Defendant reasonably recognized and intended that the publication of his statements  
15 about Mr. Patel and the Kash Foundation would result in pecuniary losses.

16 74. Mr. Patel and the Kash Foundation have suffered direct pecuniary losses as a  
17 result of Defendant's accusations, including costs associated with lost business opportunities and  
18 money spent to defend their reputations, in an amount to be proven at trial.

19 **THIRD CAUSE OF ACTION**  
20 (Business Disparagement)

21 75. Plaintiffs incorporates by reference the above paragraphs as though set forth fully  
22 herein.

1       76. The Kash Foundation Inc. is non-profit entity, engaged in, among other things, the  
2 provision of grants to individuals, in need of legal representation, involved in various civil  
3 liberties actions, litigation, or other matters.

4       77. Defendant has repeatedly published false and disparaging statements about  
5 Plaintiffs “paying for people to lie to congress”.

6       78. Defendant published these statements, which are not protected by any privilege.

7       79. It is clear that Defendant said these disparaging statements and continues to make  
8 said statements with malice and intent to harm the Foundation’s relationship with donors.  
9 Further, Defendant appears to make these statements with the intent to undermine the legitimacy  
10 of Foundation and its charitable status.

11       80. Defendant’s disparaging statements have caused, and are continuing to cause, the  
12 Foundation to sustain damages as a result of the deliberate indifference with which said  
13 statements are made, and, in alignment with, the Defendant’s intent to harm the Foundation and  
14 its legitimacy.

15       81. Moreover, Defendant knew and knows that the statements were and are untrue, or  
16 Defendant has reckless disregard for the statements’ truth or falsity.

17       82. Defendant intended his false statements to destroy the Foundation’s reputation, to  
18 ruin the Foundation’s ability to perform its charitable work, and to harm the Foundation  
19 financially.

20       83. The Foundation has suffered direct pecuniary losses as a result of Defendant’s  
21 statements, including costs associated with lost business opportunities and money spent to  
22 defend his own reputation, in an amount to be proven at trial.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs Kashyap P. Patel and the Kash Foundation respectfully requests this Court enter a judgment in their favor and grant relief against Defendant as follows:

- a. An award of compensatory, special, and punitive damages of ten million dollars (\$10,000,000.00), as well as disgorgement of any and all income Defendant has made off of his lies about Mr. Patel and the Kash Foundation;
- b. Injunctive relief prohibiting the publication or republication of the defamatory statements;
- c. Such other and further relief as the Court deems just and appropriate to protect Plaintiffs' rights and interests.

**Demand for Jury Trial**

Plaintiffs demands a trial by jury on all issues so triable.

Dated: June 2, 2023

Respectfully submitted,

## CHATTAH LAW GROUP

/s/ Sigal Chattah  
Sigal Chattah, Esq.  
NV Bar No. 8264  
CHATTAH LAW GROUP  
5875 S. Rainbow Blvd Suite #204  
Las Vegas NV 89118  
Phone: (702) 360-6200  
Fax: (702) 643-6292  
Chattahlaw@gmail.com